

JORDAN KILBY
Deputy County Attorney
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ATTORNEYS FOR PLAINTIFF

IN THE JUSTICE COURT OF RECORD OF MISSOULA COUNTY,
STATE OF MONTANA

STATE OF MONTANA, Plaintiff, -vs- COLTON RYAN MERRITT, Defendant.	Dept. Cause No. MANS No. 3200A2100023 AFFIDAVIT OF PROBABLE CAUSE
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STATE OF MONTANA)
 : ss
County of Missoula)

JORDAN KILBY, Deputy County Attorney, Montana, being first duly sworn upon oath, deposes and says:

I have read the law enforcement reports and reviewed the 911 call and interview regarding the investigation of Colton Ryan Merritt for allegedly committing the offense of:

COUNT I: DELIBERATE HOMICIDE, a felony, in violation of § 45-5-102[1], MCA.

I believe that the facts as set forth in the law enforcement reports, and relayed in the 911 call and interview, if true, constitute sufficient probable cause to justify the filing of the charges. Those facts are as follows:

On January 4, 2021 at approximately 4:24 pm, Missoula County 911 received a phone call from the above-named Defendant, Colton Merritt. Defendant stated he was at his home at the 4700 block of Bailey Street, which is in Missoula County. Defendant stated there was a dead body at his home and that it was his dad, Daniel Merritt. He stated he shot his father in "self-defense."

Defendant stated to the dispatcher that his father was outside his door and that his father said, "I am going to break in the door and put a bullet in your brain." Defendant state he thought this was an empty threat. Defendant stated his dad started to hit and kick the door and was eventually was able to unlock the door. Defendant stated as his father entered the room, Defendant shot his father before his father made any physical contact.

Defendant stated he used a 22 and he thinks there were 19 shots total. Defendant stated, "I made sure he was dead." Defendant stated his dad was still twitching after one "clip." Defendant stated he continued to shoot him and used two "clips."

Missoula County Sheriff's Deputies responded to the scene. They entered the residence and located a deceased male, later identified as Daniel Merritt. Merritt was outside the threshold of a bedroom. The door to the bedroom had holes in it. On the bed inside the bedroom was a black scoped rifle. Deputies observed a pile of spent shell casings on the bed as if they had been collected and piled there.

Defendant was interviewed at the Missoula County Sheriff's Department and his statement was like the statement he gave 911. Defendant added that his father has been abusive to him in the past but did not relay any violence using weapons. Defendant stated he assumed his father was armed but did not see his father with a firearm. Defendant stated he had a 22 bolt-action rifle. Defendant stated there was a round in the chamber and 9 bullets in the magazine. Defendant stated after he emptied the first magazine, his father was still twitching so Defendant reloaded and used another magazine to put his father "out of his misery." Defendant stated he then reloaded the weapon again in case someone else came in. Defendant stated he picked up roughly 19 shell casings.

Defendant stated he then took his father's dog for a 7-mile walk. He stated he watched tv and then his father's dog got out of the house, so he had to locate the dog. Defendant stated he then drove to his mother's

house and sat outside to use her wireless internet. He stated he returned home around 7:20 in the morning and went to sleep. He stated he woke up around 2:30 pm and at some point, Defendant called his mother. Defendant's mother does not live in the residence. Defendant stated his mother told him to call 911.

Members of Defendant and Merritt's family were interviewed. They reported Merritt told many family members that Defendant pointed Defendant's 22 rifle at Merritt about a month prior.

DATED this 5th day of January, 2021.

/s/Jordan Kilby
JORDAN KILBY
Deputy County Attorney

SUBSCRIBED AND SWORN TO before me, a Justice of the Peace, in and for the State of Montana, County of Missoula.